

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

KRIS K. BENNETT,

Plaintiff,

v.

WYATT HULL,

Defendant.

CASE NO. 3:21-cv-05858-RSM-BAT

**ORDER DENYING REQUEST TO  
STRIKE ORDER DIRECTING  
REPAYMENT OF FILING FEE  
DKT. 7**

On November 24, 2021, Plaintiff submitted a civil rights complaint, an application to proceed *in forma pauperis* (IFP) and letter indicating he was arranging to mail a check in the amount of \$402.00 to pay for the filing fee. Dkt. 1. On November 30, 2021, the Court granted Plaintiff's IFP application and ordered Plaintiff's prison to calculate and collect repayment of the filing fee. Dkt. 4. On December 8, 2021, Plaintiff submitted a letter stating he had mailed a check in the amount of \$402 to pay for the filing fee in this case, and the clerk returned it by confusing the check as related to a case Plaintiff withdrew in October, 2021.

In the December letter, Plaintiff asks the Court to "stop the Motion to calculate and collect fees from this facility, Stafford Creek Corrections." *Id.* The Court finds no basis to grant Plaintiff's request. Plaintiff faces the same financial impact whether he again mails a check to pay the filing fee in this case, or whether the prison is directed to collect the filing fee pursuant to

1 Court order granting IFP status. In either instance, he is responsible for the filing fee.  
2 Additionally, as Plaintiff avers the check he mailed was returned, this is not a situation in which  
3 he is being charged twice for the same filing fee. Rather, it is a situation in which has been  
4 allowed to proceed without pre-payment of the filing fee, and the check he avers he mailed was  
5 returned to him.

6 The Court accordingly **DENIES** Plaintiff's request to strike the order granting IFP status  
7 and directing the prison to collect repayment of the filing fee. Dkt. 7.

8 The clerk shall provide the parties with a copy of this order.

9 DATED this 9<sup>th</sup> day of December, 2021.

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BRIAN A. TSUCHIDA  
United States Magistrate Judge  
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